UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/827,634	04/09/1997	STEVEN R. BOYE	22043-0706	3941

29053   7590   11/16/2006

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	08/827,634	BOYE ET AL.
Office Action Summary	Examiner	Art Unit
	William L. Bashore	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 October 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>26,27 and 29-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>26,27 and 29-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 10/10/2006, to the original application

filed **4/9/1997**.

2.   Claims 26-27, 29-47 pending. Claim 28 has been canceled. Claims 26, 32, 33, 34, 42 are independent

claims.

3.   It is noted that the indication of allowable subject matter in the previous Office action was based upon

the content of dependent claim 28 (now canceled, its content now incorporated into all pending independent

claims). However, the indication of allowable subject matter has been withdrawn in view of newly found art.

Accordingly, this action is non-final.

Claim Rejections - 35 USC § 103

4.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

5.   **Claims 26-27, 29, 32-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Templeman, U.S. Patent No. 5,845,303 issued December 1998, in view of Nielsen, U.S. Patent No.

5,897,644 issued April 1999, and further in view of Branwyn, Gareth, Mosaic Quick Tour For MAC

(hereinafter Mosaic), 1994 Ventana Press, Inc. pages 52-59.

        In regard to independent claim 26, Templeman teaches a display system utilizing the merging of

content into a set of display frames, said frames organized into metaforms for presenting said content in various

preferred formats, intended to preserve the original content presentation style (i.e. newsletters, reports, business

letters, etc.). The system uses information about the input data to determine a (preferred) display format for said

data (Templemen Abstract, column 3 lines 15-43; compare with claim 1 *"A method for preserving a preferred*

presentation....comprising").

Templeman teaches obtaining obtaining a layout of display elements (Templeman column 3 lines 15-

25). The use of elements on a web page would have been obvious to one of ordinary skill in the art at the time of

the invention, because Templeman teaches that the hierarchical tagging of its system permits importation of

HTML formatted data, suggesting an HTML embodiment, and providing the advantage of a popular type of

document presentation utilized on computers such as PDA's, as well as the Internet   (Templeman column 1

lines 34-36, column 3 lines 40-43, column 7 lines 62-67) (compare with claim 1 *"obtaining a layout of display*

elements on a web page").

Templeman teaches analyzing input content data for merging onto an appropriate (preferred) frameset

(Templeman column 3 lines 15-25, 28-40). Templeman teaches an originally authored tag within the received

content for identifying to the system the appropriate (preferred) form to use, in the present case, a newsletter

style frameset (Templeman column 5 lines 30-56, column 8 lines 60-65, Figure 3A). It is noted that said

newsletter frameset (Figure 3A) incorporates two main body columns, separated by a main vertical split which

is determined by the template. This can be interpreted as a primary split direction, said split direction typical of

many newsletters and newspapers. (compare with claim 1 *"determining, using a first computer system....on said*

one or more second computer systems", and *"determining splits of the web page, in the primary split*

direction").

Templeman does not specifically teach said layout presentation influenced by browser configuration.

However, Nielsen teaches a transformation that transforms a web page (preserving an aspect ratio), for display

in an HTML processing application (i.e. a web browser) in output devices of differing sizes (Nielsen Abstract,

column 3 lines 31-50, column 7 lines 19-65; compare with claim 1 *"said layout is susceptible to influence by*

browser configuration"). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Nielsen to Templeman, providing Templeman the benefit of web page display resizing within

Templeman's relationship constraints (Templeman column 8 lines 41-48) in web browsers for fitting various

sized devices (i.e. laptops, PDAs, etc.).

Templeman teaches a metaform which can be selected by a user (requested from a user) (Templeman

column 5 lines 45-49). Templeman also, teaches a template newsletter frameset primarily showing two columns

in accordance with a single vertical center split, as dictated by said template (an internal representation)

(Templeman Figures 1A, 3A).

Templeman does not specifically teach "*enabling the size of the selected text of the web page to be*

locked". However, Mosaic teaches that restrictions can be placed upon various portions (e.g. font type or size) of

text in a web document (font size can be locked) (Mosaic page 55 – bottom paragraph, also page 57 – whole

page, also Figures 3-23, 3-25, 3-26). It would have been obvious to one of ordinary skill in the art at the time of

the invention to apply Mosaic to Templeman, providing Templeman the benefit of locking text, thereby

preserving the original appearance intended by a Web document's creator.

In regard to dependent claim 27, Templeman teaches a metaform which can be selected by a user

(Templeman column 5 lines 45-49).

In regard to dependent claim 29, Templeman teaches a newsletter template frameset (Templeman

Figure 3A), used for displaying the newsletter of Templeman Figure 1A (see also Templeman column 5 lines

30-36), said newsletter displaying locations of determined splits, as defined by said frameset.

In regard to independent claim 32, claim 32 reflects the system comprising computer readable

instructions used for performing the methods as claimed in claim 26, and is rejected along the same rationale.

In regard to independent claim 33, claim 33 reflects the computer readable storage medium comprising computer readable instructions used for performing the methods as claimed in claim 26, and is rejected along the same rationale.

In regard to independent claim 34, claim 34 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 26, and is rejected along the same rationale.

In regard to dependent claims 35, 36, Templeman teaches a metaform (template) can be selected by a user. Since Templeman teaches metaforms existing for various types of presentations (i.e. newsletters, reports, business letters, etc.) with differing display properties, selection of various metaforms includes selection of various split directions within said metaforms (Templeman column 3 lines 29-40, column 5 lines 45-49).

Templeman teaches a default vertical split direction within a newsletter template frameset (Templeman Figure 3A; compare with claim 14)

In regard to dependent claim 37, Templeman teaches a vertical split direction within a newsletter template frameset (Templeman Figure 3A).

In regard to dependent claims 38, 39, Templeman teaches a newsletter template frameset comprising various vertical and horizontal splits (Templeman Figure 3A). Templeman lays content into the various dynamically sized frames of said frameset divided by various splits (Templeman column 3 lines 15-26, column 8 lines 14-38, 42-48, column 9 lines 4-14).

In regard to dependent claims 40, 41, Templeman and Nielsen teaches a newsletter page displayed with splits analogous to the newsletter template frameset (Templeman Figures 1A, 3A; compare with claim 18).

Templeman teaches a newsletter frameset, the sizes and constraints of frames within said frameset are dynamically and independently calculated (Templeman column 3 lines 20-26, column 8 lines 40-49, 60-65, column 9 lines 25-34).

In regard to independent claim 42, claim 42 incorporates substantially similar subject matter as claimed in claim 26, and is rejected along the same rationale.

In regard to dependent claims 43, 44, claims 43, 44 incorporate substantially similar subject matter as claimed in claims 27, 29 respectively, and are rejected along the same rationale.

In regard to dependent claim 45, Templeman teaches a metaform which can be selected by a user (requested from a user) (Templeman column 5 lines 45-49). Templeman also, teaches a template newsletter frameset primarily showing two columns in accordance with a single vertical center split, as dictated by said template (an internal representation) (Templeman Figures 1A, 3A).

6.   **Claims 30-31, 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Templeman, Nielsen, and Mosaic as applied to claims 26, and 42 above, and further in view of King et al. (hereinafter King), U.S. Patent No. 6,161,114 issued December 2000.**

In regard to dependent claims 30, 31, Templeman does not specifically teach a publish request and a preview request. However, King teaches a design engine comprising a "publish command" and a "print preview" command (King column 10 lines 39-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply King to Templeman, providing Templeman the benefit of said commands so that a user can view pages as they actually created (see King column 10 lines 49-51).

In regard to dependent claims 46, 47, claims 46, 47 incorporate substantially similar subject matter as claimed in claims 30, 31 respectively, and are rejected along the same rationale.

Response to Arguments

7.   Applicant's arguments with respect to claims 26-27, 29-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WILLIAM BASHORE
PRIMARY EXAMINER
November 9, 2006